UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,224	08/21/2003	Brian S. Christian	MS303957.01	7133

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/645,224	CHRISTIAN ET AL.
	Examiner	**Art Unit**	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This case has been reassigned to a new Examiner.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 8/20/2007 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of

the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set ·
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5. ·   This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

6.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al.

(US 5,708,780) in view of Garrick et al. (US 5,968,125).

7.   In regard to claims 1, 9, and 18, Levergood disclosed a method for accessing websites. In Levergood, a request is made with a URL from a Web browser. (Levergood, column 5, lines 17-41) If the request is sent for a particular link, the URL is recreated with a new URL including a status identifier allowing for redirection to another webpage via a REDIRECT command. (Levergood, column 6, lines 27-57) Levergood further includes logging of client access to web pages as a tracking feature. (Levergood, column 8, lines 14-50) Levergood failed to disclose this functionality with respect to the "injection" of client-side tracking code into a web page. However, Garrick - in the analogous field of redirecting URLs of web pages and logging the requests of users (Garrick, column 5, lines 39-59; column 8, lines 5-55; column 9, lines 1-18) - teaches a plug-in which is used to implement the tracking features that are taught both in Garrick and in Levergood (Garrick, column 9, lines 21-46). Therefore, it would have been obvious to one of ordinary skill in the art to extend the functionalities of Levergood with the plug-in techniques taught by Garrick in order to allow for access by the client to the logging features of tracking web page access. This is useful for a multitude of reasons, including security, parental access control, advertising tracking, and monitoring of a user's internet activities. (Levergood, column 8, lines 41-50) (Garrick, column 3, lines 33-56)

8.   In regard to claims 2, 10, and 20, Levergood further discloses *an area identifier that identifies an area on the web page in which the corresponding selectable link is located.* (Indicated by Levergood, column 8, lines 33-38, which "suggest[s] where to insert links to provide more direct access".)

9.   In regard to claims 3, 11, and 21, Levergood further discloses *the link identifier further comprises a link type identifier that identifies a type of link of the corresponding selectable link.* (Levergood, column 5, lines 54-65)

10.   In regard to claims 4, 13, and 22, Levergood further discloses *the tracking identifier further comprises a container identifier that identifies a container in which the corresponding selectable link is located* (Levergood, column 6, lines 1-16).

11.   In regard to claims 5 and 23, Levergood further discloses *the tracking identifier further comprises a link index that is an index of the corresponding selectable link inside the container that is identified by the container identifier* (Levergood, column 6, lines 1-16).

12.   In regard to claims 6, Levergood further discloses *the step of confirming that the web page*

loaded properly and is viewable at the client before proceeding with the tracking function. (Levergood,

column 6, line 58 – column 7, line 20)

13.   In regard to claims 7, Levergood further discloses *the information related to the corresponding*

selectable link further comprises the web page on which the corresponding selectable link is located and

an area of the web page in which the corresponding selectable link is located. (Levergood, column 8,

lines 1-13 includes the original URL and the current domain in the identifier. The area of the web page is

indicated by Levergood, column 8, lines 33-38, which "suggest[s] where to insert links to provide more

direct access".)

14.   In regard to claims 8, Levergood further discloses *terminating the processing of further steps for*

each of the one or more selectable links that does not include the respective link identifier. (Levergood,

column 5, lines 41-49; column 8, lines 1-13. Levergood does not track a link that does not include a valid

SID.)

15. .   In regard to claims 12, Levergood further discloses *the tracking module does not execute if the*

selectable link does not contain a link identifier. (Levergood, column 5, lines 41-49; column 8, lines 1-13.

Levergood does not track a link that does not include a valid SID.)

16.   In regard to claims 15, Levergood further discloses *the tracking identifier further comprises a*

modified link identifier that is different from the link identifier that is included in the selectable link.

(Levergood, column 7, line 35 – column 8, line 13 changes the link identifier from the identifier shown in

column 7, line 40 to the identifier shown in column 8, line 6)

17.   In regard to claims 16, Levergood further discloses *the client-side tracking code is further*

configured to test a connection with the tracking system and skip the tracking event if the tracking system

does not respond to the client within a specified timeout period. (Levergood, column 8, lines 23-26)

18.   In regard to claims 17, Levergood further discloses *the specified timeout period further comprises*

one and one-half seconds. (Levergood indicates an expiration timer in column 8, lines 23-26. It would

have been obvious to one of ordinary skill in the art to set this timer to any length of time, including one

and one-half seconds, for flexibility purposes and to allow for discrepancies dealing with transmission

delay and bandwidth limitations).

19.   In regard to claim 19, Levergood further discloses *the selectable tracking links are identified by*

inclusion of a link identifier in each selectable tracking link. (Levergood, column 5, lines 54-65)

20.   In regard to claim 24, Levergood further discloses *the tracking information further comprises*

information identifying the web page. (Levergood, column 5, lines 54-65)

21.   In regard to claim 25, Levergood further discloses *information identifying a location of the*

corresponding selectable tracking link on the web page. (Indicated by Levergood, column 8, lines 33-38,

which "suggest[s] where to insert links to provide more direct access".)

22.   In regard to claim 26, Levergood further discloses *the tracking information further comprises page*

view information. (Levergood, column 8, lines 14-26)

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blundo, Carlo et al. "SAWM: A Tool for Secure and Authenticated Web Metering". Proceedings

of the 14th International Conference on Software Engineering and Knowledge Engineering SEKE '02.

July 2002. ACM Press. 641-48.

Joshi, Karuna et al. "Warehousing and Mining Web Logs." Proceedings of the 2nd International

Workshop on Web Information and Data Management WIDM '99. November 1999. ACM Press. 63-68.

Eirinaki, Magdalini et al. "Web Mining for Web Personalization." ACM Transactions on Internet

Techonology, Vol. 3, No. 1. February 2003. 1-27. ACM Press.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can

normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

JASON CARDONE
SUPERVISORY PATENT EXAMINER